



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

May 22 , 1970

Honorable Glen Aaron, Jr.
County Attorney
Tom Green County
San Angelo, Texas

Opinion No. M- 635

Re: Questions relating to pro-
cedure for purchases by a
county under the amount of
\$2,000.

Dear Mr. Aaron:

Your request for an opinion on the above subject matter states that the county auditor has questioned the procedure used by the commissioners court in making certain purchases under the amount of \$2,000. Your request states:

"It has been our procedure heretofore that in all purchases by Commissioners under the amount of \$2,000 the Commissioners would go ahead and make such purchase at the time needed. At the Commissioner's Court session immediately following said purchase, purchase would be submitted to the Court for subsequent ratification. We desire to know at this point whether this is a proper procedure under the Laws of the State of Texas."

Article 2351, Vernon's Civil Statutes, provides in part:

"Each commissioners court shall:

". . .

"10. Audit and settle all accounts against the county and direct their payment.

". . .

"15. Said court shall have all such other powers and jurisdiction, and shall perform all such other duties, as are now or may hereafter be prescribed by law. . . ."

Hon. Glen Aaron, Jr., page 2 (M-635)

Pursuant to the powers granted under Subdivision 10 of Article 2351, Vernon's Civil Statutes, it is well settled that the commissioners court may ratify that which it could approve in the first instance. Angelina County v. Kent, 374 S.W.2d 313 (Tex.Civ.App. 1963, no writ); State v. Carnes, 106 S.W.2d 397 (Tex.Civ.App. 1937, no writ); Cameron County v. Fox, 61 S.W.2d 483 (Tex.Comm.App. 1933).

Since the expenditure in question is not in excess of \$2,000, the provisions of Article 2368a, Vernon's Civil Statutes, requiring certain contracts to be let on competitive bids, are not applicable to the purchases described in your request.

In answer to your question, therefore, you are advised that the procedure outlined in your request is a lawful procedure.

S U M M A R Y

Since the commissioners court may ratify that which it could approve in the first instance, purchases by commissioners under the amount of \$2,000 may be subsequently ratified at a meeting of the commissioners court.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

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